

Strict rules apply on how long drivers can stay at the wheel and how much rest they can take. Drivers and vehicle operators must keep appropriate records to prove it.

Three sets of rules may apply;

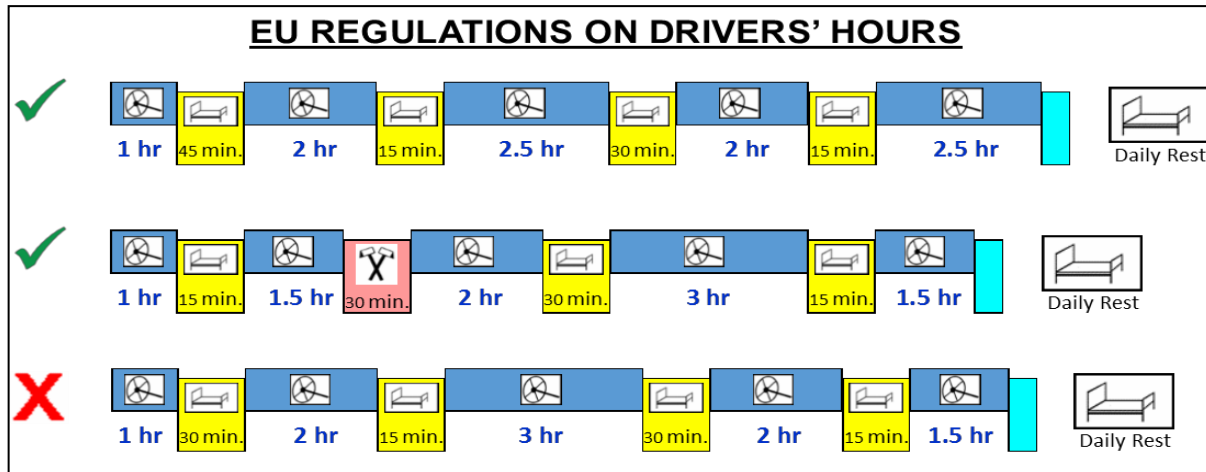
- **EU Driver's Hours Regulations** which cover drivers of most goods vehicles over 3.5 tonnes GVW on journeys within the EU member states.
- **GB Domestic Rules.** The GB Domestic Drivers' Hour's Rules apply to most passenger-carrying vehicles and goods vehicles that don't have to follow the EU rules.
- **AETR** - The European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) rules are now the same as the **EU rules** on Drivers' Hours.

EU Driving Rules

- **Daily Duty Time:** In any working day (24-hour period from the start of duty), the maximum amount of Duty Time allowed is 11 hours. This can be extended to 15 hours on 3 occasions in a one-week period.
- **Daily Driving:** A Maximum of 9 hours, extendable to 10 hours no more than twice in a week.
- **Weekly Driving:** Maximum of 56 hours in any one week.
- **Fortnightly Driving:** Maximum 90 hours in any consecutive two-week period.
- **Breaks from Driving:** A minimum of a 45-minute break must be taken after no more than 4.5 hours of driving. If the break is to be taken before you have accumulated 4.5 hours driving time the break can be divided into two periods, the first of which must be no less than 15 minutes, and the second a minimum of 30 minutes.
- **Daily Rest:** A daily rest break must be no less than 11 hours, this can be reduced to 9 hours no more than 3 times between any 2 weekly rest periods.
- **Weekly Rest:** A minimum of 45 hours' rest is required. This may be reduced to 24 hours **although** any reduction in your weekly rest break must be compensated (paid back) before the end of the third week, following the week when the reduction took place. This involves adding the reduced hours on to the end of a rest period of at least 9 hours and must be taken in one block. Weekly rest cannot be reduced on 2 consecutive weeks.
- **Other Work-** Anyone carrying out non-transport related work, for example store and yard activities must record these works as "other work" regardless of if this was for 2 hours over a day of two days over the week. In instances where full days are complete with other works only and no driving has taken place, drivers should still record these days as "other work" immediately after they enter the lorry and before they begin driving.
Every driver full time or part time should have full weekly record of their works

A weekly rest must be taken after 6 consecutive 24-hour periods starting from the end of the last weekly rest period taken

GB Domestic Rules



Duty Time: If you work as a driver for a company, duty time is any working time.

Daily Driving Limit: You must not drive for more than 10 hours in a day:

- on a public road
- off-road if not during duty time

Off-road driving counts as duty time if it's for:

- agriculture
- quarrying
- forestry
- building work
- civil engineering

Daily Duty Limit: You must not be on duty for more than 11 hours in any working day. This limit doesn't apply on any working day when you don't drive.

You must **record your hours** on a weekly record sheet or on a tachograph.

Passenger-Carrying Vehicles

Duty Time: If you work as a driver for a company, duty time is any working time.

Breaks and Continuous Driving: After 4 hours 30 minutes of driving, you must take a break of at least 45 minutes for rest and refreshment. Or, within any period of 8 hours 30 minutes, you must take at least 45 minutes in breaks. You must also have a break of at least 30 minutes at the end of this period, unless it is the end of the working day.

Length of Working Day ('spread over'): You must not work more than 16 hours between the times of starting and finishing work, including non-driving work and any times when you are off.

Daily Rest Periods: A driver must take a daily rest period within each period of 24 hours after the end of the previous daily or weekly rest period. An 11-hour (or more) daily rest is called a regular daily rest period.

A driver may reduce his daily rest period to no less than **9** continuous hours, but this can be done no more than **three times** between **any two weekly rest periods**; and **no compensation** for the reduction is required. A daily rest that is less than 11 hours but at least 9 hours long is called a reduced daily rest period.

All duties must start and finish within a 24-hour period.

Fortnightly Rest Periods Every 2 weeks you must take at least one period of 24 hours off duty. A fixed week is from 00:00 hours on Monday to 24:00 hours the next Sunday.

Exemptions to the GB Domestic Rules

The GB Domestic rules do not apply if you:

- drive for less than 4 hours in any day,
- drive off-road or on private roads during duty time,
- drive a vehicle used by the armed forces, police or fire brigade,
- are dealing with an emergency, e.g. major disruption to public services or danger to life.

What is Working Time?

Working time is not the same as attendance, spread-over or shift

time. Working time **includes** all road transport activities, such as:

- driving,
- loading and unloading,
- vehicle cleaning and maintenance,
- work to ensure the safety of the vehicle and its cargo, including daily defect checks,
- waiting time that cannot be classed as a period of availability (see below),
- any other work, including administrative duties,
- overtime,
- job-related training associated with normal work and training that is part of the Company's commercial transport operation,
- time worked for another road transport employer.

Working time **does not include**:

- breaks during a shift,
- periods of availability,
- daily rest,
- weekly rest,
- voluntary work, including charitable work, special constables, Territorial Army and retained firefighters,
- evening classes or day-release courses,
- routine travel between home and your normal place of work.

What is a Period of Availability, (POA)?

The following three conditions apply to a Period of Availability.

- You are available for work, but not required to undertake any work.
- You must not be 'required' to stay at your workstation (this will usually be the vehicle). You may choose to remain in the vehicle, although as long as you have the freedom to leave the vehicle it can still count as a period of availability.

Also, if you must remain with the vehicle because of safety or security reasons, this

would not in itself disqualify the time as being a Period of Availability. Typical examples of this might include waiting time at sites where it is unsafe for pedestrians or where vehicles are transporting goods that are dangerous or of a high value.

- The period and its expected duration must be known in advance. For example, if you typically expect to be delayed for a specific period of time at a customer's premises, this will qualify as being known in advance.

As long as the conditions stated above are met, examples of Periods of Availability can include:

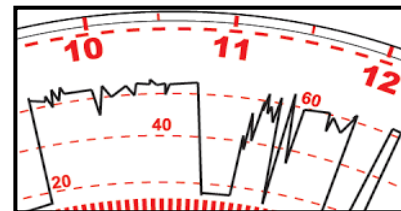
- Accompanying a vehicle being transported by boat or train,
- Waiting at national borders,
- Delays due to traffic prohibitions,
- Time waiting for someone else to load or unload the vehicle, as long as you are not required to be in attendance,
- Delays at a customer's premises,

- Staying with a broken-down vehicle at the roadside, waiting for repairs or recovery,
- Time spent waiting to undertake work after you have reported for work,
- Time spent travelling in the vehicle to be available for driving while double manning.

Be aware that it is a serious offence for a driver to flout these rules or for an employer to cause or permit a driver to do so, and action may be taken against the Company's Operator Licence as a result.

Tachographs

All regulations regarding all types of tachographs must be strictly adhered to. Again, if you are in any doubt about any aspect of Tachograph Regulations, please refer the matter to Transport Manager. Disciplinary action will take place if any driver fails to adhere to any legal regulations regarding tachograph infringements.



Please note:

When a Tachograph card is removed for examination in the course of a journey, by either a Police Officer, or an official of the Department of Transport, the official concerned must initial the card and note the time of the inspection. Where an official inserts their card into a digital tachograph this is recorded by the Vehicle Unit so there is no need for intervention.

What happens in emergencies?

Provided that road safety is not jeopardised, and to enable you to reach a safe stopping place, you may depart from the rules – but only to the extent necessary to ensure the safety of persons, the vehicle or its load. An emergency only applies in cases where it unexpectedly becomes impossible to comply with the Working Time Rules and you must record all reasons for exceeding the limits.

Record Keeping

Drivers are required to carry the current day plus the last 28 days' worth of records.

Drivers digital cards need to be downloaded a minimum of every 28 days

WTD Records need to be kept for two years after the period in question by the Company, and driving hours' records need to be kept for a period of 15 months.



Driving



Other work



Availability



Break or rest

The Company’s goal is to ensure that drivers, by complying with the Working Time Directive and Drivers’ hours Regulations (EC) 561/2006, are sufficiently alert so that they drive in a safe manner,

By complying with the Drivers’ Hour’s Regulations and Working Time Directive drivers will:

- Improve the Company’s road safety record,
- Reduce the likelihood of receiving fines and/or prosecution,
- Reduce the likelihood of accidents and their associated cost, time and reputation loss,
- Help to ensure the Company is operating within the framework of of the law.

What are drivers’ legal responsibilities?

Drivers have a responsibility to manage their own hours, keeping track of the Working Time Directive and maintaining their own vehicle records. Not complying with the law will have a major impact on the Company’s business in terms of cost, reputation, quality of service and time.

Drivers of vehicles under 3.5 tonnes **must** abide by GB Domestic Drivers’ Hours Rules and the Working Time Directive. Table 1.1 outlines the rules and exemptions from these rules. Please note these exemptions are not exhaustive and drivers are advised to check whether they are eligible before seeking exemption.

Table 1.1 Driver’s Hours Rules – GB Domestic Rules	
Driving:	<p>You must not drive for more than 10 hours in a day:</p> <ul style="list-style-type: none"> • On a public road • Off-road if not during duty time <p>Off-road driving counts as duty time if it’s for:</p> <ul style="list-style-type: none"> • Agriculture, quarrying, forestry, building work and civil engineering.
Daily Duty Limit:	<ul style="list-style-type: none"> • You must not be on duty for more than 11 hours in any working day. • This limit does not apply on any working day when you do not drive.
Exemptions to the GB Domestic Rules:	<p>The GB Domestic Rules do not apply if you:</p> <ul style="list-style-type: none"> • Drive for less than 4 hours in any day. • Drive off road or on private roads during duty time. • Drive a vehicle used by the armed forces, police or fire brigade. • Are dealing with an emergency, e.g. a major disruption to public services or danger to life.

Drivers of vehicles over 3.5 tonnes **must** abide by EU Drivers’ Hours Rules and sector specific Working Time Rules. Table 1.2 outlines the rules and exemptions from these rules. Please note these exemptions are not exhaustive and drivers are advised to check whether they are eligible before seeking exemption. If a driver thinks their workload is unrealistic then they must inform their supervisor.

Table 1.2 Driver's Hours Rules – Regulation (EC) 561/2006	Working Time Rules – Directive 2002/15/EC
<p>Driving: 9-hour daily driving limit. This can be increased to 10 hours twice a week. Maximum 56-hour weekly driving limit. Maximum 90-hour fortnightly driving limit.</p>	<p>Driving: Working time must not exceed average of 48 hours a week. Maximum working time of 60 hours in one week (provided average is not exceeded).</p>
<p>Breaks: 45 minutes' break after 4.5 hours driving. A break can be split in to two periods, the first being at least 15 minutes and the second at least 30 minutes, which must be completed after 4.5 hours driving.</p>	<p>Breaks: Cannot work for more than 6 hours without a break. A break should be at least 15 minutes long. 30-minute break if working between 6 and 9 hours in total. 45-minute break if working more than 9 hours</p>
<p>Rest: 11-hour daily rest, which can be reduced to 9 hours no more than three times a week, or split in to 3 hours +9 hours as often as desired. 45 hours' weekly rest, which can be reduced to 24 hours provided at least one full rest is taken in any fortnight. There should be no more than six consecutive 24-hour periods</p>	<p>Rest: Same rest requirements as EU Driver's Hours Rules.</p>
<p>Exemptions: Complete exemption from all rules governing EU Driver's Hours applies to the following:</p> <p>Vehicles not capable of exceeding 40 km/h, Vehicles owned/hired without a driver by the armed, civil defense and fire services when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control. Vehicles undergoing road tests for technical development, repair or maintenance and new/rebuilt vehicles not yet put in to service. Vehicles used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations. Specialist vehicles used for medical purposes. Specialized breakdown vehicles.</p>	

Record Keeping:

Analogue tachograph charts, digital printouts and log books shall be kept for at least 12 months for drivers' hour's rules and for 24 months for Working Time Directive.

Recording Data:

Drivers of vehicles not fitted with tachographs **must** keep written records of their hours of work on a weekly record sheet.

Drivers of vehicles fitted with tachographs shall make sure that the tachograph is operating correctly so that activities are recorded accurately and fully.

When using an analogue tachograph and recording data, drivers must:

Before using an instrument, verify, that it is correctly calibrated via the attached plaques and ensure that the time displayed is set to the official time of the country in which the vehicle is registered,

Carry enough charts for the whole journey, including spare charts in case any become damaged or dirty,

Not use a chart to cover a period longer than 24 hours,

Return used charts to their manager within the 42 days,

Not remove the chart from the instrument before the end of their duty period unless authorized to do so,

Be able to produce at the roadside if stopped by the Police.

Drivers must follow a number of procedures in order to stay compliant with tachograph regulations. If using a digital tachograph, drivers:

MUST have their own driver card,

If there is a fault with their card, a manual record must be kept.

If they do not have a card, they **are** permitted to drive with some additional requirements and restrictions as follows:

- Inform the DVLA (or DVLNI, if applicable) that your card has been lost, stolen or damaged. If you realise the card is lost, stolen or damaged outside of the replacing agency's normal working hours, you are required to report it as soon as possible during their open hours.
- You must inform your superior, and anyone else your employer requires of you.
- You must apply for a new card immediately, which will cost £19 unless you are applying for a replacement for a faulty card.
- You must make a hardcopy printout from your digital tachograph at the beginning or end of each journey you make, and record your name and DL number on the back of each page.
- You must keep these records available for inspection for 28 calendar days, and must then pass them to the vehicle operator.
- You can only drive without a tacho card for a maximum of 15 calendar days. The DVLA is required to issue you a new card within 5 working days, so this should not be a huge problem.

- If your card has expired, you effectively don't have one. You will need to wait until a replacement card is in your hand before you can start driving again. Manual entries for 15 calendar days can only be made if a driver's card has been lost, damaged, stolen or is malfunctioning.

In addition, drivers should:

Make sure they insert their driver card into the correct slot,
Carry enough supplies of type-approved print roll on board the vehicle,
Make sure the tachograph is in good working order,
Ensure that their card is kept safely to avoid any damage to it,
Be able to produce the relevant records at the roadside.

Penalties for infringement of Drivers' Hours Rules in Great Britain:

The regulations governing the drivers' hours are among the most important affecting drivers and the Company. The maximum fines as contained within Part VI of the Transport Act 1968 (as amended), are as follows:

Failure to observe driving time, break or rest period rules: fine of up to £2,500 (Level 4),
Failure to make or keep records under the GB domestic rules: fine of up to £2,500 (Level 4),
Failure to install a tachograph: fine of up to £5,000 (Level 5),
Failure to use a tachograph: fine of up to £5,000 (Level 5),

Failure to hand over records relating to recording equipment as requested by an enforcement officer: fine of up to £5,000,
False entry or alteration of a record with the intent to deceive: on summary conviction fine of £5,000 on indictment two years' imprisonment,
Altering or forging the seal on a tachograph with the intent to deceive: on summary conviction fine of £5,000, on indictment two years' imprisonment,
Failure to take all reasonable steps to ensure contractually agreed transport time schedules respect the EU rules: fine of up to £2,500 (Level 4).

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